IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 12486 of 2004

Between:

Sri Maneklal , S/o Late Sri Gulab Raiji,
Chaitable Trust, R/o 2-1-113, Tobacco Bazar, Secunderabad - 500 003.

..... PETITIONER

AND

1 The Government of Andhra Pradesh, rep. by The Secretary for

School Education of A.P.Secretariat, Hyderabad.
2 The Government of Andhra Pradesh, rep. by The Principal

Secretary to the Higher Education of A.P. Secretariat,

Hyderabad.
3 The Commissioner and Director of School Education,

Government of Andhra Pradesh, Besides Telephone Bhavan,

Saifabad. Hyderabad - 500 004.
4 The Secretary, Board of Intermediate Education, Nampally,

Hyderabad.
5 The District Education Officer, Hyderabad District,
Manoranjitham Complex, Block No.4, 1st Floor, Exhibition

Grounds, Hyderabad - 500 001.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or directions more particularly one in the nature of mandamus to direct the respondents 1 to 5 to cancel the illegal permission given to the Shivdatrai

High School (English Medium) and Shivdatrai Junior College for girls illegally occupied by Sri Bilasrai S/o Late Sri Shivdatraiji and his son Sri Inderkaran S/o Sri Bilasraji both R/o 21-2-11, Pathergatty, Hyderabad situated in the premises of Sri Shivdatrai Educational and Charitable Trust property at Lad Bazar, Charminar, Hyderabad - 500 002, as per the proceedings of the Joint Director for School Education, Hyderabad dated 5-8-2003 vide Proceedings No. Rc.No. 1073/B4-2/2003 with all other consequential benefits, by declaring the action of the respondents in refusing to cancel the illegal permission granted to the aforesaid persons is arbitrary, illegal and contrary to the Trust deed executed on 18-4-1956 and transfer the same permission and management of English medium High School and Junior College for Girls to the Shivdatrai Educational Charitable Trust Hyderabad

Counsel for the Petitioner:MR.G.VENKAT SWAMY GOUD

Counsel for the Respondents 1 & 2: GP FOR SCHOOL EDUCATION

Counsel for Respondents 3&4: G.P. for Higher Education

The Court at the stage of admission made the following O R D E R:

The grievance of the petitioner that one Sri Inderkaran, who has been expelled and seized to be a trustee, cannot manage the English Medium High School and Junior College, which are owned by the Trust, cannot be a subject matter of enquiry under Article 226 of the Constitution of India.

If there is any dispute with regard to the management of the institutions established

by the Trust, the appropriate remedy that is available to the petitioner is to approach the Civil Court to resolve the said dispute.

Hence, the writ petition is liable to be dismissed and is accordingly dismissed.

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20-07-2004

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To

1 The Secretary for School Education of A.P.Secretariat, the

Government of Andhra Pradesh, Hyderabad.
2 The Principal Secretary to the Higher Education of A.P.

Secretariat,the Government of Andhra Pradesh,

Hyderabad.
3 The Commissioner and Director of School Education,

Government of Andhra Pradesh, Besides Telephone Bhavan,

Saifabad. Hyderabad - 500 004.
4 The Secretary, Board of Intermediate Education, Nampally,

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5 The District Education Officer, Hyderabad District,
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Grounds, Hyderabad - 500 001.

6 Two C.Cs to the Government Pleader for Education,

High Court Buildings, A.P., Hyderabad (OUT)

7 Two C.Cs to G.P for Higher Education, High Court Buildings, A.P.

Hyderabad (OUT)

8 Two C.D copies